

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
RICHARD ROSARIO,	:	
	:	
Plaintiff,	:	18 Civ. 4023 (LGS)
	:	
-against-	:	
	:	<u>ORDER</u>
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, in the parties' joint letter dated July 14, 2022, Defendants objected to the admissibility of deposition testimony from Lymari Leon and Fernando Torres on the ground that Plaintiff had not established their unavailability.

WHEREAS, on July 19, 2022, Defendants filed a letter motion to compel Plaintiff to produce communications with non-party witnesses (Dkt. No. 408).

WHEREAS, a conference in this matter was held on July 19, 2022, and the parties made a number of oral applications during the conference. For the reasons discussed at the conference, it is hereby

ORDERED that Defendants' motion to compel the production of communications with non-party witnesses is GRANTED IN PART. Plaintiff's expert shall review Plaintiff's phone, and if the expert identifies any responsive communications, Plaintiff shall produce such communications, including any corresponding metadata, by **July 22, 2022**. It is further

ORDERED that by **July 21, 2022**, Defendants shall file a response to Plaintiff's letter motion (Dkt. No. 410) for clarification on the Court's prior rulings on the admissibility of bad acts. It is further

ORDERED that the parties shall meet and confer and by **July 22, 2022**, file a proposed

revised limiting instruction regarding the vacatur of Plaintiff's conviction. It is further

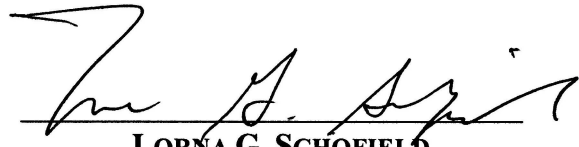
ORDERED that Defendants' objection to the presentation of deposition testimony for Fernando Torres and Lymari Leon is **OVERRULED** for substantially the reasons stated in Plaintiff's letter at Docket No. 407. It is further

ORDERED that Plaintiff's counsel shall provide Defendants' counsel with three (3) business days' notice if he intends to call Joseph Fortunato as a witness, and at that time, make a proffer regarding the testimony he intends to elicit. It is further

ORDERED that Defendants' objection to Plaintiff's redactions of exhibits is **OVERRULED** as moot in light of Plaintiff's agreement to redact his exhibits in a contrasting color.

The Clerk of Court is respectfully directed to close the motion at Docket No. 408.

Dated: July 21, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE